

*True Copy*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAUL SIMMONS,

Plaintiff,

12 Civ. 8523 (RWS)  
AMENDED COMPLAINT

Against

SERGEANT DAVID BULLET, JOINT TERRORIST  
TASK FORCE FOR THE CITY OF NEW YORK;  
CAPTAIN PETER FORTUNE, NARCOTICS  
BOROUGH BRONX, FOR THE CITY OF NEW  
YORK NYPD; DETECTIVE DANIEL HOWELL,  
FOR THE CITY OF NEW YORK NYPD;  
DETECTIVE EDWARD HERNANDEZ,  
NARCOTICS BOROUGH BRONX, FOR THE  
CITY OF NEW YORK NYPD; DETECTIVE  
DEREK KIELY, NARCOTICS BOROUGH  
BRONX, FOR THE CITY OF NEW YORK  
NYPD; OFFICER MICHAEL LEDEE,  
NARCOTICS BOROUGH BRONX, FOR THE  
CITY OF NEW YORK NYPD; DETECTIVE  
KEVIN MAZZA, NARCOTICS BOROUGH  
BRONX, FOR THE CITY OF NEW YORK  
NYPD; LIEUTENANT SEAN McHUGH,  
NARCOTICS BOROUGH BRONX, FOR THE  
CITY OF NEW YORK NYPD; DETECTIVE  
MILL, NARCOTICS BOROUGH BRONX,  
FOR THE CITY OF NEW YORK NYPD;  
FORMER DETECTIVE PARADISO, FOR  
THE CITY OF NEW YORK NYPD;  
DETECTIVE DENIA ROBERTS,  
NARCOTICS BOROUGH BRONX, FOR  
THE CITY OF NEW YORK NYPD;  
DETECTIVE THEODORE STEFATOS,  
DETECTIVE SQUAD IN QUEENS, FOR  
THE CITY OF NEW YORK NYPD,

Defendants.

TO: HONORABLE JUDGE ROBERT W. SWEET:

IT IS PREDICATED ON THE DECISION OF THIS COURT THAT I RE-FILE THE FOREGOING ACTION FOR CIVIL RIGHTS VIOLATIONS WHICH RESULTED IN UNCONSTITUTIONAL LOSS OF LIBERTIES, MEDICAL NEGLECT AND OTHER PAIN AND SUFFERING, BASED UPON THIS COURT'S DISCRETION TO ALLOW ME TO FILE THE AMENDED COMPLAINT AS A CIVIL TORT FOR CIVIL RIGHTS VIOLATIONS AND NOT AS A 1983:

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I. PARTIES TO THE COMPLAINT

Plaintiff, Pro Se

Abdel-Shaheed Farrad Muhammad  
(Paul Simmons)  
c/o Sally Thomas  
4 East 107<sup>th</sup> Street Apt#5H  
New York, NY 10029  
(347) 883-8551  
(212) 289-6558

NEW ADDRESS  
c/o ARICA CLARK  
2453 ADAM CLAYTON POWELL BLVD  
APT # 3B  
NEW YORK, NY 10039

Defendants

1. Sargeant David Bullet, Shield #21, Joint Terrorist Task force,  
26 Federal plaza, Attn: FBI-NY Office Legal Unit, 22<sup>nd</sup> Floor,  
New York, NY 10013;
2. Captain Peter Fortune, Narcotics Borough Bronx  
500 Abbott Street, Bronx, New York 10470;
3. Detective Daniel Howell, Shield #7279, 32<sup>nd</sup> Precinct Detective Squad  
250 West 135<sup>th</sup> Street, new York, NY 10030;
4. Detective Edward Hernandez, Shiedl #1645, Narcotics Borough Bronx,  
500 Abbott Street, Bronx, NY 10470;
5. Detective Derek Kiely, Shield#372, Narcotics Borough Bronx,  
500 Abbott Street, Bronx, NY 10470;
6. Officer Michael Ledee, Shield#1758, Narcotics Borough Bronx,  
500 Abbott Street, Bronx, NY 10470;
7. Detective Kevin Mazza, Shield#7861, Narcotics Borough Bronx,  
500 Abbot Street, Bronx, NY 10470;
8. Lieutenant Sean McHugh, Shield#2638, Narcotics Borough Bronx,  
500 Abbott Street, Bronx, NY 10470;  
Detective Terry Mill, Shield#29917, Narcotics Borough Bronx,  
500 Abbott Street, Bronx, NY 10470;
9. Former Detective Phillip Paradiso, Shield#5130, Legal Bureau,  
One Police Plaza, Room 1406, New York, NY 10038;
10. Detective Denia Roberts, Shield#6669, Narcotics Borough Bronx,  
500 Abbott Street, Bronx, NY 10470;

11. Detective Theodore Stefatos, Shield#6540, 113<sup>th</sup> Precinct Detective Squad,  
167-02 Baisely Boulevard, Jamaica, NY 11434.

II. BASIS FOR JURISDICTION

A. The basis for Federal jurisdiction is Federal Questions under 28 U.S.C. Section 1331 and The Civil Rights Act of 1964 and 1965.

B. If the basis for jurisdiction is Federal Question, What federal constitutional, statutory or Treaty right is at issue?

Violation of the 4<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution; Art. 1 Section 6 of the New York State Constitution; violation of Civil Rights Act of 1964 and 1965 and the conspiracy to violate civil rights.

III. STATEMENT OF CLAIM

On December 16<sup>th</sup>, 2011 between the hours of 3:30-4:30am a loud crash was heard by me and my godmother who I was visiting to bring a seasonal holiday gift and fallen asleep. Without making any verbal notice that they were police officers and did not bear badges or names to identify themselves as police, they busted her door down and placed Semi-automatic weaponry in both my godmother's and my face. I was told to "Shut the fuck up" by a John Doe Police Officer wearing military clothing. I was ordered to stand up and give up any ID in my possession. I was forced to give up my phone and all of the identification in my possession. I was then told to strip in front of my godmother. I pleaded with the Officer to allow me to comply but he refused and told me, "strip motherfucker!". Out of fear I removed my belongings and as he searched he found nothing. I asked him to allow me to put on my clothes but he refused and compelled me to put on a pair of sweatpants that was located on the floor. When I informed the officer that I was having chest pains and I was a Type 2 Diabetic and I needed my medication, he told me, "I'm not giving you shit". He ordered me to turn around and handcuffed me and led me out of the room. After waiting several hours in a T-Shirt and sweatpants in a cold van with five others arrested excluding my godmother who is 75 years old, I constantly asked what was I being arrested for. I got no answer and I was given not given any Miranda Warnings.

Once we arrived at the 40<sup>th</sup> precinct in the Bronx, I asked to make a phone call. I was denied by a second John Doe officer. When I was being fingerprinted I informed the officer that I was in need of my medication. I was refused such again. I informed the officer that I was in a community supervised mental Health residence and asked that they be contacted. This was also refused. I was then taken with the others to the Bronx Central Booking and when taken through the pedigree process I was told by the John Doe Officer who fingerprinted me that I should keep my mouth shut and say I have no conditions or face repercussions. I remained sick for two days until I was produced before a Judge. The Judge discovered that a warrant was for one person and I was ordered released on my own recognizance based upon evidence that I was not in possession of any drugs or contraband and I was visiting my godmother. After several months I was relieved of any charges and

allowed to now assert that I was falsely arrested, denied my diabetic and heart medications and did suffer trauma, pain and mental anguish.

A. Where did the events giving rise to your claims occur?

1) In Bedroom #2, occupied by godmother and myself between 3am and 4am at Apartment #4DD, 675 East 140<sup>th</sup> street, Bronx, NY 10454;

1) At 40<sup>th</sup> Precinct at 900 Fteley Avenue, Bronx, New York 10473 between 6am-12noon;

2) What date and approximate time did the events giving rise to your claims occur?

On December 16, 2011 between 3am and 12 noon

FACTS.

1. What happened to you?

I was falsely arrested by John Doe Officers who never initially identified themselves as Police and only based upon their militarized uniforms and actions wearing masks and bearing automatic weapons not to preclude their tactics as I have seen on television, I believed them to be "TNT" or Tactical Narcotics Team. Once taken to the precinct in a darkened van did I conclude that they were also stationed at the 40<sup>th</sup> precinct or operated from such and were officers of the City of New York Police Department;

I was never Mirandized or informed of being arrested and subject to custodial interrogation;

I was denied a phone call to contact the mental health supervised residence and denied my diabetic medication, heart and asthma medication for over two days;

I was threatened to keep quiet about my need for my medication and remained sick for two days while held in Central Booking;

I was the subject of an unwarranted strip search in front of my godmother without any criminal activity or reasonableness of suspicion, and nothing was confiscated from me;

None of my rights as a disabled person was protected or my right to be protected from an illegal search and seizure and while removed of all liberty interests and medical needs, I was the subject of cruel and unusual punishment.

2. Who did what?

Several Police officers believed to be or operating from the 40<sup>th</sup> precinct

And functioning in their official capacity under color of law as a Tactical Narcotics Team for the City of New York NYPD. As to what they did, refer to facts 1-7.

3. Was anyone else involved?

- (A) Godmother Yvonne Wilson (in room #2)
- (B) Godbrother Shawn Wilson (in room #3 – The target of a warrant for search
  
- (c) Godbrother Robert Wilson ( in room #4)
- (d) Godmother's Grandson Hasan (in livingroom)
- (e) Jane Doe Latina female (found in room#4 with Robert Wilson)

4. Who else saw what happened?

Godmother and godbrothers. They saw me get sick.

IV. INJURIES.

I sustained trauma, depression, abuse both physically and psychologically ; duress and anguish. Increased deterioration to organs including heart and respiratory condition due to deprivation of medication. No medical help was ever given or offered. I was told to keep my mouth shut by police because they did not want to go to the hospital or get it from the mental health residence.

V. RELIEF SOUGHT

- (a) To issue preliminary/permanent injunction Order eliminating the illegal tactics of "TNT" and set in a written policy to be monitored by the Court that ceases and prevents the illegal search and arrest of persons not the subject of a warrant or target of a warrant
- (b) To order all future practices or tactics used by "TNT" to be videotaped upon entry from targeted apartments in the Black/Latino community of the Bronx;
- (c) To Issue an Order against "TNT" that prevents them from arresting anyone who is not in possession of any controlled substance unless they are an actual target of a search warrant;
- (d) For violation of my rights as a disabled person, I seek from the defendants in their official capacity, individually and separately, an amount not to exceed Two Hundred and Fifty Thousand Dollars;
- (e) For violating my 4<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendment rights and state constitutional rights, relief in the amount of Two hundred and Fifty Thousand Dollars against the defendants in their official capacities, separately and individual, in an amount not to exceed Two Hundred and Fifty Thousand Dollars;
- (f) For violation of my 8<sup>th</sup> amendment rights with deliberate indifference to my health and well-being as a diabetic with other life-threatening conditions, depriving me of my medical needs and conspiring to violate my civil rights, against the said defendants

in their official capacities, separately and individually in an amount not to exceed Two Hundred and Fifty Thousand Dollars.

I declare under Penalty of Perjury that the forgoing is True and Correct, Signed on this 1<sup>st</sup> day of May 2013.

  
Paul Simmons